



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**SEATTLE DISTRICT, CORPS OF ENGINEERS**  
**P.O. BOX 3755**  
**SEATTLE, WASHINGTON 98124-3755**

Regulatory Branch

September 2, 2020

Mr. Thom Fischer  
Electron Hydro, LLC  
1800 James Street, Suite 201  
Bellingham, Washington 98225

Reference: NWS-2016-350  
Electron Hydro, LLC  
(Diversion Repair and  
Spillway Replacement)

Dear Mr. Fischer:

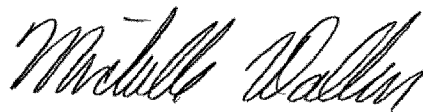
We have reviewed the information you provided in the *Fish Ladder Operation and Maintenance Plan* dated August 16, 2020, and your email dated September 2, 2020, to discharge up to 30 cubic yards of rock in the Puyallup River near Electron, Pierce County, Washington. As previously mentioned in our letter dated August 7, 2020, you are in violation of your permit. The Stop Work Order still remains in effect. Based on the potential effects to fish species within the Puyallup River and the immediate need to regain fish passage at the project site, the Corps authorizes immediate implementation of the *Fish Ladder Operation and Maintenance Plan*.

Please note that under Section 9 of the Endangered Species Act it is unlawful for anyone to take a listed species or to significantly modify its habitat. This applies to private parties on public or private land. The term "take" is defined to include harass, harm, injure, or kill. Violations of Section 9 are punishable by civil and criminal penalties. By allowing you to proceed with the fish ladder work, we are not allowing you to take any listed species or their habitat.

Although we are authorizing the implementation of the *Fish Ladder Operation and Maintenance Plan*, it is important to note this letter is not a permit. We look forward to continuing to work with you to resolve the Stop Work Order, and your comments will be beneficial in resolving this matter. If you have any questions concerning your reply, please

contact Ms. Jenae Churchill at [jenae.churchill@usace.army.mil](mailto:jenae.churchill@usace.army.mil) or at (206) 764-5527.

Sincerely,

A handwritten signature in black ink, appearing to read "Xander Bullock". The signature is fluid and cursive, with the first name "Xander" being more prominent than the last name "Bullock".

*for* Alexander "Xander" L. Bullock  
Colonel, Corps of Engineers  
District Engineer